

Message Text

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21

ACTION EUR-12

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FM AMEMBASSY BONN

TO USMISSION USBERLIN IMMEDIATE

SECSTATE WASHDC IMMEDIATE 8155

C O N F I D E N T I A L BONN 02928

E.O. 11652: GDS

TAGS: PGOV, BW, GW

SUBJECT: ABORTION LAW - DRAFT BK/O

REF: A) USBER 290; B) BONN 2521; C) USBER 217

SUMMARY: AT FEB. 19 TRIPARTITE DISCUSSION FRENCH REP REPORTED FIRM INSTRUCTIONS AGAINST ISSUANCE OF ANY BK/O IN ABORTION LAW MATTER. TEXT OF BK/L WHICH FRENCH REP SAID HE BELIEVED WAS MAXIMUM ACCEPTABLE TO PARIS WAS DEVELOPED. ON 20 FEB. FRENCH INFORMED US THAT PARIS WAS COMING TO CONCLUSION THAT NO ALLIED ACTION IN MATTER WARRANTED. FRENCH EMBASSY HAS INSTRUCTED FRBER TO INFORM SENAT OF FRENCH POSITION. END SUMMARY.

1. AT FEB 19 TRIPARTITE MEETING, FRENCH REP REPORTED HE HAD RECEIVED ADDITIONAL INSTRUCTIONS FROM PARIS OPPOSING ISSUANCE OF ANY BK/O IN ABORTION LAW PROBLEM. HE ADDED HE HAD BEEN INSTRUCTED TO TAKE ABSOLUTELY NO INITIATIVES IN MATTER. US AND UK REPS CONFIRMED AGREEMENT THEIR AUTHORITIES TO FEB. 4 PACKAGE AND ALSO TO FEB 12 PROPOSAL BUT, WITH OBJECTIVE OF DETERMINING WHAT PARIS MIGHT FIND ACCEPTABLE, REPS THEN PROCEEDED TO OUTLINE BK/L WHICH WOULD HAVE NO STANDING BUT ON WHICH FRENCH REP WOULD REQUEST QUAI'S VIEWS, TEXT OF THIS
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DRAFT FOLLOWS. BEGIN TEXT:

1. IN REFERENCE TO YOUR LETTER OF
DECEMBER 12, 1974 THE ALLIED KOMMANDATURA HAS NO OBJEC-
TION TO ADOPTION BY THE HOUSE OF REPRESENTATIVES OF AN
ABORTION REFORM LAW IDENTICAL WITH THAT NOW APPLICABLE
IN THE FRG.

2. ANY SUCH DRAFT LEGISLATION PREPARED BY THE
SENAT AND THE HOUSE OF REPRESENTATIVES SHALL BE SUBMITTED
PRIOR TO ADOPTION TO THE ALLIED KOMMANDATURA WHICH MAY
RAISE OBJECTIONS WITHIN TWENTY-ONE DAYS. END TEXT. AS
CAN BE SEEN FROM WORDING IN PARA 1 OF DRAFT, BK/L WOULD
HAVE BEEN FOR ISSUANCE AFTER FCC DECISION ANNOUNCED.

2. FRENCH REP INFORMED EMBASSY FEB. 20 THAT PARIS WAS
COMING TO CONCLUSION THAT NO ALLIED ACTION IN THIS CASE
WARRANTED. FRENCH MINISTER IN BERLIN WOULD BE IN
CONTACT WITH KORBER FEB. 20 TO "CONFIRM" THAT FRBER HAD
NEVER GIVEN ANY KIND OF AGREEMENT TO ANY OF THE SOLU-
TIONS PROPOSED IN ALLIED-SENAT MEETINGS AND TO EXPLAIN
FRENCH POSITION THAT ALLIES SHOULD DO NOTHING. FRENCH
REP HERE ADDED THAT AT KORBER-ALLIED LEGAL ADVISOR
MEETING SET FOR FEB. 21, FRENCH ADVISOR WOULD SIMPLY
CONFIRM FRENCH NON-AGREEMENT TO ANY OF THE PROPOSED
SOLUTIONS BUT WOULD NOT BE AUTHORIZED TO COMMENT ON ANY
PROPOSALS.

3. COMMENT: ONLY POSITIVE ASPECT OF THESE DEVELOPMENTS
IS THAT FRENCH APPEAR TO BE WILLING TO TAKE THE HEAT
WITH THE SENAT. HOWEVER, IT APPEARS LIKELY THAT THIS
MATTER WILL BECOME POLITICAL FOOTBALL BOTH IN BERLIN AND
IN FRG IF, INDEED, ALLIES ARE UNABLE TO DO ANYTHING WHEN
FCC DECISION IS FINALLY ANNOUNCED. OPPOSITION ATTACKS
ON FRG FOR NOT INTERCEDING WITH ALLIES IN BONN SEEM TO
US A DISTINCT POSSIBILITY. WE ARE CONSIDERING VARIOUS
PRESS LINES ALLIES MIGHT TAKE TO MEET CONTINGENCIES.
UNFORTUNATELY, ONE ASPECT OF ANY PUBLIC DISPUTE ON
SUBJECT WILL FOCUS ON STATUS OF BERLIN WITH SOME QUARTERS
LIKELY TO ARGUE THAT "LAND BERLIN" PROHIBITED FROM ENACT-
ING LEGISLATION VARYING FROM WHAT ACTUALLY ON FRG
BOOKS.

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